

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETER WENGRYN et al.,

Plaintiffs,

-v-

AMERICAN BUSINESS CONSULTANT
GROUP HOLDING, LLC et al.,

Defendants.

13-cv-4556 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

On May 15, 2015, the Court granted plaintiffs' motion for partial summary judgment and ordered plaintiffs to inform the Court within 5 days as to whether they would voluntarily dismiss the remainder of their claims as redundant and allow for immediate entry of judgment. (ECF No. 99.) Plaintiffs provided such consent in a letter dated May 19, 2015. (ECF No. 100.) The Court memo-endorsed this letter and requested that plaintiffs file a proposed form of Order, preferably agreed, with all damage calculations set forth therein. (ECF No. 101.) The parties then submitted four letters regarding the Proposed Form of Judgment. (ECF Nos. 103-06.) Defendants object to the Proposed Form of Order on the grounds that (1) the entry of judgment against defendant Dennis Lee would be improper (ECF Nos. 104, 106); (2) that plaintiffs' claims for health care benefits are unsupported by documentary evidence or a description of the methodology used to calculate the amounts claimed (ECF No. 104); and (3) plaintiff's requested post-judgment interest

rate of 9% per annum is excessive, and should be set at the rate of 0.26% from the date of signing of the Judgment until paid (ECF No. 104).

Objections (1) and (2) are overruled. As to objection (1), the Court granted summary judgment for plaintiffs as against all defendants. Lee did not raise this argument in his summary judgment papers, and it is not properly raised at this stage of the litigation. As to objection (2), plaintiffs' summary judgment papers contained the detail and documentary evidence required by defendants' claims for health care benefits. (See ECF No. 87 ¶¶ 62-63, 70; ECF No. 78 exs. A 232:17-25; 256:20-257:24; 296:22-297:10; C; D; E.) Further, plaintiffs have now provided invoices from Horizon Blue Cross Blue Shield of New Jersey detailing the monthly health care costs for each of plaintiffs, and have adequately described how information from these invoices have been used to calculate the amounts claimed. (See ECF No. 105 at 1-2.) As to objection (3), plaintiffs now concede that the post-judgment interest rate should be 0.26% (ECF No. 105 at 2), and so this objection is moot.

Accordingly, the Court will issue plaintiffs' proposed Order Entering Judgment, modified so as to reflect a post-judgment interest rate of 0.26%.

SO ORDERED.

Dated: New York, New York
June 10, 2015



KATHERINE B. FORREST
United States District Judge